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REMARKS

I. Status of the claims

No claim amendment is made in this response; claims 1-9 and 11-15 are pending for reconsideration.

II. Response to Obviousness Rejection of Claims 1-9 and 11-15

The Examiner has rejected claims 1-9 and 11-15 under 35 U.S.C. § 103 (a) as being obvious over EP 0 663 418 B1 (Yoshino et al.) in combination with U.S. Pat. No. 5,931,997 (Babler) and U.S. Pat. No. 5,056,426 (Warych). Applicants respectfully traverse the Examiner's rejection for the reason that follows.

The invention relates to a molding composition which is composed of a glass fiber-reinforced olefin polymer and from 0.0001 to 1% by weight of a phthalocyanine pigment as a nucleating agent. See claim 1. The invention provides the polyolefin composition which exhibits improved matrix binding of the glass fiber and therefore better mechanical properties and resistance to hot water, especially in the presence of detergents. See Specification, page 2, lines 24-27. As discussed in the background of the invention, glass fiber-reinforced polyolefin and the use of a nucleating agent in polyolefin are known. However, what was unknown prior to this invention is the claimed combination of a glass fiber-reinforced polyolefin with a selected nucleating agent (phthalocyanine pigment); and what was unknown prior to this invention is the unexpected effect of such a combination, i.e., improved mechanical properties and resistance to hot water of the molding composition.

Applicants do not disagree with the Examiner that Yoshino et al. discloses a glass fiber-reinforced polyolefin molding composition. In fact, Applicants disclosed and discussed this reference in the background of the invention. Yoshino et al. does not teach or suggest the use of phthalocyanine pigment in the

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molding composition. On the other side, Warych teaches the use of phthalocyanine pigment as a nucleating agent in polypropylene, but it does not teach the use of a glass fiber-reinforced polyolefin. Further, Babler teaches the use of phthalocyanine as a coloring agent in coatings, plastics, and fibers. The amount of phthalocyanine used by Babler can be as high as 30 wt% in contrast to less than 1% in Applicant's claimed composition. Nevertheless, the Examiner concludes that the claimed invention is obvious in view of the combined references, citing the Supreme Court's decision in *KSR Int'l Co. v. Teleflex, Inc.* In *KSR*, the Supreme Court states: "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." Applicants believe that the Examiner's obviousness analysis is flawed under *KSR* because the Examiner ignored the Supreme Court's instruction on the finding of "predicted results."

As discussed above, Applicants' invention yields unexpected results; that is, the combination of a glass fiber-reinforced polyolefin and a phthalocyanine provides the molding composition of the invention with improved mechanical properties and resistance to hot water. These results are not predicted by any of these three references and combinations thereof. Therefore, under the Supreme Court's decision in *KSR*, the claimed combination is not obvious because it yields unexpected results.

According to MPEP §§ 2142 and 2143, an examiner seeking to establish a *prima facie* case of obviousness must clearly articulate reasons with rational, factual underpinnings to support the conclusion of obviousness. Consequently, an obviousness rejection from an examiner is subject to attack on at least two bases. First, an obviousness rejection may be overcome if the examiner did not clearly articulate reasons why the claimed invention logically follows from the teachings of the cited art. Under MPEP § 2142, conclusory or irrational statements are insufficient to establish a *prima facie* case of obviousness. It also appears that *prima facie* obviousness is not established, as in this case, when an examiner merely identifies claim elements scattered among several references. Rather, the

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examiner must logically establish at least one reason why a person of ordinary skill in the art would be led to modify the cited art to achieve the claimed invention. Hence, under the instructions of MPEP, the Examiner has not established a reasonable case of obviousness against Applicants' claimed invention.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection and allow remaining claims. Applicants invite the Examiner to telephone their attorney, Shao-Hua Guo, at (610) 359-2455 if a discussion of the application might be helpful.

Respectfully submitted,
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